

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TONI W. THOMAS,)
)
Plaintiff,)
)
vs.) No. CIV-07-1378-D
)
CORRECTIONS CORPORATION OF)
AMERICA, INC.,)
)
Defendant.)

ORDER

Plaintiff, appearing *pro se*, brings this action pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”); she alleges that Defendant discriminated against her in connection with her employment. Although Plaintiff was granted *in forma pauperis* status at the time she filed the action, she has continued to appear *pro se*. On February 23, 2009, Plaintiff filed a Motion for Request of Counsel [Doc. No. 18] in which she now asks the Court to appoint counsel to represent her.

In her motion, Plaintiff states only that she continues to be unemployed and that some of the attorneys she has contacted to represent her are unable to do so because they have represented Defendant in other matters. Although Title VII grants the Court discretion to appoint counsel, that appointment is not automatic, and a request requires careful consideration by the Court. *See, e.g., Castner v. Colorado Springs Cablevision*, 979 F.2d 1417 (10th Cir. 1992). Among the matters that must be considered are whether Plaintiff currently lacks the financial resources to retain counsel, whether she has engaged in a reasonably diligent effort to secure counsel to represent her in this case, and whether her allegations have merit. *Castner*, 979 F.2d at 1420-21. Plaintiff has not provided the Court with sufficient information to determine whether appointment of counsel is

warranted in this case.

Accordingly, Plaintiff is directed to file with the Court a statement in support of her motion which contains the following information:

1) information explaining her current financial status, including sources of income, savings, and other financial resources as well as current financial obligations¹; and
2) an explanation of the steps she has taken to secure counsel to represent her.

Plaintiff is directed to respond to this Order no later than March 16, 2009. Upon receipt and review of the information submitted, the Court will determine whether appointment of counsel is proper in this case. Plaintiff is reminded that, unless an attorney enters an appearance on her behalf in this case, she remains responsible for complying with all Court deadlines, the Federal Rules of Civil Procedure, and the Local Civil Rules of this Court.

IT IS SO ORDERED this 2nd day of March, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹Although Plaintiff was granted *in forma pauperis* status based on her financial status when this action was filed in 2007, the Court does not have any information regarding her current financial status. Plaintiff is not required to present a detailed financial statement, but must explain her current assets and obligations. She may use the questions set forth in her 2007 Application to Proceed in *Forma Pauperis* as a guideline for submitting current information.